

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

ERIK MICHAEL HOLLERUD,

Debtor(s).

Bradley Newman,

Plaintiff(s),

vs.

Erik Michael Hollerud
dba Hollerud Oil Company,

Defendant(s).

ORDER FOR TRIAL

BKY NO. 03-38294

ADV NO. 04-3086

IT IS ORDERED:

1. This proceeding is set for trial in Courtroom No. 228A, United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on **NOVEMBER 3, 2004 at 1:30 p.m.**
2. On or before October 22, 2004 all parties are expected to confer and enter into stipulations as to the following:
 - a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
 - b) Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any.
 - c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel shall exchange copies of each exhibit intended to be introduced and relied upon at trial. The exhibits shall be pre-marked as required in paragraph 3(d) of this Order.

3. No later than five (5) days prior to trial, the parties shall prepare, serve and file the following:

- a) The stipulations regarding admissibility of exhibits and depositions;
- b) The stipulation of facts which are not disputed.
- c) A final witness list containing the names, addresses and brief summary of the testimony of each witness the party will call. A person not listed on this list may not testify during the party's case-in-chief;
- d) A final exhibit list containing a description of all exhibits to be offered at trial. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers.

The plaintiff shall identify the plaintiff's exhibits with numbers as follows:

Plaintiff's Exhibit 1
Plaintiff's Exhibit 2
etc.

The defendant shall identify the defendant's exhibits with letters as follows:

Defendant's Exhibit A
Defendant's Exhibit B
etc.

If there is more than one plaintiff or defendant, then the parties shall confer so as to avoid duplication of exhibit identification;

- e) A list of depositions to be offered at trial;
- f) A trial memorandum containing a complete chronology of the party's version of the facts and a complete statement of the law on which the party relies.
- g) Proposed Findings of Fact and Conclusions of Law.

4. **At the time that an exhibit is offered at trial, the ORIGINAL plus THREE COPIES of the pre-marked exhibits shall be provided to the Court, with a copy being made available to the court recorder operator for the use of the court.**

5. Upon settlement, each party has an independent obligation and shall notify the calendar clerk, within 24 hours after a settlement agreement has been reached. Unless the Court orders otherwise, the settlement documents shall be filed within ten (10) days after oral notice of the settlement.

6. Failure to timely comply with this order may result in the imposition of sanctions under Bankruptcy Rule 7016 and Fed. R. Civ. P. 16(f).

7. Fed. R. Civ.P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

Dated: September 27, 2004

/s/ Dennis D. O'Brien
United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <u>9/27/04</u> Lori Vosejpka, Acting Clerk By <u>NAB</u>
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

ADV 04-3086

I, Nancy A. Brill, hereby certify:

That I am the Calendar Clerk for Judge Dennis D. O'Brien, of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on September 27, 2004 true and correct copies of the annexed:

ORDER FOR TRIAL

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

DAVID L LUDESCHER
GRUNDHOEFER NEUVILLE & LUDESCHER
PO BOX 7
NORTHFIELD MN 55057

MARK C HALVERSON
HALVERSON LAW FIRM
PO BOX 3544
MANKATO MN 56002

BRADLEY NEWMAN
60496 160TH ST
ROSE CREEK MN 55970

ERIK MICHAEL HOLLERUD
DBA HOLLERUD OIL CO
707 6TH ST NW
AUSTIN MN 55912

and this certificate was made by me.

/e/ Nancy A. Brill
Deputy Clerk